

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2220

AN ACT

AMENDING SECTIONS 39-123 AND 39-124, ARIZONA REVISED STATUTES; RELATING TO INFORMATION RELATING TO A CODE ENFORCEMENT OFFICER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 39-123, Arizona Revised Statutes, is amended to
3 read:

39-123. Information identifying a peace officer, justice, judge, commissioner, public defender, prosecutor or code enforcement officer; confidentiality; definitions

8 A. Nothing in this chapter requires disclosure from a personnel file
9 by a law enforcement agency or employing state or local governmental entity
10 of the home address or home telephone number of a peace officer as defined in
11 section 13-105, a justice, a judge, a commissioner, a public defender, ~~or~~ a
12 prosecutor **OR A CODE ENFORCEMENT OFFICER.**

13 B. The agency or governmental entity may release the information in
14 subsection A of this section only if either:

1. The person consents in writing to the release.
 2. The custodian of records of the agency or governmental entity determines that release of the information does not create a reasonable risk of physical injury to the person or the person's immediate family or damage to property of the person or the person's immediate family.

20 C. A law enforcement agency may release a photograph of a peace
21 officer if either:

- 22 1. The peace officer has been arrested or has been formally charged by
23 complaint, information or indictment for a misdemeanor or a felony offense.
24 2. The photograph is requested by a representative of a newspaper for
25 a specific newsworthy event unless:

26 (a) The peace officer is serving in an undercover capacity or is
27 scheduled to be serving in an undercover capacity within sixty days.

28 (b) The release of the photograph is not in the best interest of this
29 state after taking into consideration the privacy, confidentiality and safety
30 of the peace officer.

(c) An order pursuant to section 28-454 is in effect.

D. This section does not prohibit the use of a peace officer's photograph that is either:

- 34 1. Used by a law enforcement agency to assist a person who has a
35 complaint against an officer to identify the officer.
36 2. Obtained from a source other than the law enforcement agency.

2. Obtained from a source other than the law enforcement agency.

37 E. This section does not apply to a certified peace officer OR CODE
38 ENFORCEMENT OFFICER who is no longer employed as a peace officer OR CODE
39 ENFORCEMENT OFFICER by a state or local government entity.

F. For the purposes of this section:

- 41 1. "CODE ENFORCEMENT OFFICER" MEANS A PERSON WHO IS EMPLOYED BY A
42 STATE OR LOCAL GOVERNMENT AND WHOSE DUTIES INCLUDE PERFORMING FIELD
43 INSPECTIONS OF BUILDINGS, STRUCTURES OR PROPERTY TO ENSURE COMPLIANCE WITH
44 AND ENFORCE NATIONAL, STATE AND LOCAL LAWS, ORDINANCES AND CODES.

1 ~~1.~~ 2. "Commissioner" means a commissioner of the superior court.

2 ~~2.~~ 3. "Judge" means a judge of the United States district court, the
3 United States court of appeals, the United States magistrate court, the
4 United States bankruptcy court, the Arizona court of appeals, the superior
5 court or a municipal court.

6 ~~3.~~ 4. "Justice" means a justice of the United States or Arizona
7 supreme court or a justice of the peace.

8 ~~4.~~ 5. "Prosecutor" means a county attorney, a municipal prosecutor,
9 the attorney general or a United States attorney and includes an assistant or
10 deputy United States attorney, county attorney, municipal prosecutor or
11 attorney general.

12 ~~5.~~ 6. "Public defender" means a federal public defender, county
13 public defender, county legal defender or county contract indigent defense
14 counsel and includes an assistant or deputy federal public defender, county
15 public defender or county legal defender.

16 Sec. 2. Section 39-124, Arizona Revised Statutes, is amended to read:

17 39-124. Releasing information identifying a peace officer,
18 justice, judge, commissioner, public defender,
19 prosecutor or code enforcement officer; violations;
20 classification; definitions

21 A. Any person who is employed by a state or local government entity
22 and who, in violation of section 39-123, knowingly releases the home address
23 or home telephone number of a peace officer as defined in section 13-105, a
24 justice, a judge, a commissioner, a public defender, ~~or~~ a prosecutor **OR A**
CODE ENFORCEMENT OFFICER with the intent to hinder an investigation, cause
26 physical injury to a peace officer, justice, judge, commissioner, public
27 defender, ~~or~~ **PROSECUTOR OR CODE ENFORCEMENT OFFICER** or the peace officer's,
28 justice's, judge's, commissioner's, public defender's, ~~or~~ prosecutor's **OR**
CODE ENFORCEMENT OFFICER'S immediate family or cause damage to the property
30 of a peace officer, justice, judge, commissioner, public defender, ~~or~~
31 prosecutor **OR CODE ENFORCEMENT OFFICER** or the peace officer's, justice's,
32 judge's, commissioner's, public defender's, ~~or~~ prosecutor's **OR CODE**
ENFORCEMENT OFFICER'S immediate family is guilty of a class 6 felony.

34 B. Any person who is employed by a state or local government entity
35 and who, in violation of section 39-123, knowingly releases a photograph of a
36 peace officer with the intent to hinder an investigation, cause physical
37 injury to a peace officer or the peace officer's immediate family or cause
38 damage to the property of a peace officer or the peace officer's immediate
39 family is guilty of a class 6 felony.

40 C. For the purposes of this section:

41 1. "**CODE ENFORCEMENT OFFICER**" MEANS A PERSON WHO IS EMPLOYED BY A
42 STATE OR LOCAL GOVERNMENT AND WHOSE DUTIES INCLUDE PERFORMING FIELD
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